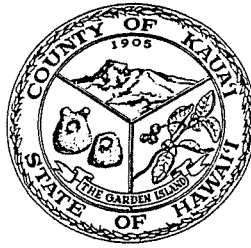


COUNTY COUNCIL

Jay Furfaro, Chair
JoAnn A. Yukimura, Vice Chair
Tim Bynum
Dickie Chang
KipuKai Kualii
Nadine K. Nakamura
Mel Rapozo

**OFFICE OF THE COUNTY CLERK**

Ricky Watanabe, Interim County Clerk
Eduardo Topenio, Jr., Deputy County Clerk

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

November 17, 2011

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Jay Furfaro, Council Chair
SUBJECT: NOVEMBER 16, 2011, COUNCIL MEETING

This is to inform you of the action taken by the Council at its November 16, 2011 Council meeting and any follow-up that was requested:

CONSENT CALENDAR: RECEIVED FOR THE RECORD

C 2011-297 Communication (10/20/2011) from the Chief, Building Division, transmitting for Council information, the Monthly Report on Building Permit Information for the Month of September 2011, which includes the following:

- 1) Building Permit Processing Report
- 2) Building Permit Estimated Value Summary
- 3) Building Permits Tracking Report
- 4) Building Permits Status

COMMUNICATIONS:

C 2011-298 Communication (10/24/2011) from the Intergovernmental Relations Committee Chair, requesting that Proposals to be considered and included in the 2012 Kaua'i County Legislative Package be submitted and discussed at the November 16, 2011 Council Meeting:

- a) Communication (10/24/2011) from the Intergovernmental Relations Committee Chair, requesting that the Administration submit legislative proposals for inclusion in the 2012 Kaua'i Legislative Package for discussion. **(Received for the record and referred the 2011 Hawai'i Conference Of Mayors Bills to the Intergovernmental Relations Committee.)**
- b) Communication (11/10/2011) from the Intergovernmental Relations Committee Chair, transmitting the following:
 - A Proposed Draft Bill for an Act Relating to Energy Resources (To align Chapter 196-6.5, Hawai'i Revised Statutes, with the stated intent of Act 155, SLH 2009 with respect to variances in the law (proposed by Councilmember JoAnn A. Yukimura; **(Approved.)**)

- A Proposed Draft Resolution requesting the Legislature of the State of Hawai'i to amend Chapter 188, Hawai'i Revised Statutes, by adding a new section to be appropriately designated Prohibiting the Sale of Aquatic Life for Aquarium Purposes, and amending existing Section 188F-4 regarding the West Hawai'i Regional Fishery Management Area Plan and Section 189-11 regarding Receipts in Duplicate; and requesting the Governor to issue a Moratorium on the commercial take and sale of aquatic life taken for aquarium purposes from State waters; and requesting the Hawai'i Department of Land and Natural Resources to adopt a rule(s) prohibiting the commercial take and sale of aquatic life taken for aquarium purposes from State waters (proposed by Councilmember KipuKai Kualii); **(Approved.)**
- A Proposed Draft Bill for an Act relating to Prohibition on Sale of Aquatic Life for Aquarium Purposes (proposed by Councilmember KipuKai Kualii). **(Approved.)**

C 2011-299 Communication (10/11/2011) from the Police Chief, requesting Council approval to expend Kaua'i Police Department asset forfeiture funds for costs associated with the initial accreditation process through the Commission on Accreditation for Law Enforcement Agencies (C.A.L.E.A.), estimated at \$35,000.00. **(Approved.)**

C 2011-300 Communication (10/21/2011) from the Housing Director, requesting Council approval of the following:

- 1) To sell the residential property situated at 9661-A Haina Street, Waimea, Hawai'i 96796, Tax Map Key (4) 1-2-008-007-0002, at an affordable leasehold sale price of \$213,000.00 or the leasehold appraised value, whichever is lower. This property was developed utilizing Neighborhood Stabilization Program (NSP) funds, which restricts sales to individuals on the Affordable Housing Waitlist and are 120% and below the Kaua'i Median Household Income.
 - 2) To authorize the Interim County Clerk or its designee to sign all legal documents related to the sale of this property.
- (Approved.)**

C 2011-301 Communication (10/24/2011) from the Fire Chief, requesting Council approval to accept the donation of two (2) jet skis, a rescue sled and a trailer from the Kaua'i Lifeguard Association (KLA), valued at approximately \$24,000.00. **(Approved with thank-you letter to follow.)**

C 2011-302 Communication (10/31/2011) from the Prosecuting Attorney, requesting Council approval of the following:

- 1) To apply, receive and expend federal funds in the amount of \$106,000.00 from the FY 2010 Edward Byrne Memorial Justice Assistance Grant (JAG), to continue the Drug Prosecution Unit for the period February 1, 2012 to January 31, 2013, and
- 2) To indemnify the State of Hawai'i, Department of the Attorney General.

(Approved.)

C 2011-303 Communication (10/31/2011) from the Prosecuting Attorney, requesting Council approval to apply, receive and expend \$10,000.00 from the New Dawn Community Grant, to purchase supplies for activities associated with the community diversion program Project P.O.H.A.K.U. (Productive Optimism Helps All Kaua'i Unite). **(Received for the record.)**

C 2011-304 Communication (10/31/2011) from the Prosecuting Attorney, requesting Council approval of the following:

- 1) To apply, receive and expend federal funds in the amount of \$96,500.00 from the FY 2010 Edward Byrne Memorial Justice Assistance Grant (JAG), to create a Cold Case Unit with the Kaua'i Police Department, to commence January 1, 2012 to December 31, 2012, and
- 2) To indemnify the State of Hawai'i, Department of the Attorney General.

(Received for the record.)

C 2011-305 Communication (10/31/2011) from the Prosecuting Attorney, requesting Council approval of the following:

- 1) To apply, receive and expend federal funds in the amount of \$47,927.00 from the S.T.O.P. Violence Against Women Grant, to continue the Domestic Violence Prosecution Unit for the term commencing November 1, 2011 to October 31, 2012, and
- 2) To indemnify the State of Hawai'i, Department of the Attorney General.

(Approved.)

C 2011-306 Communication (11/01/2011) from the Executive on Aging, requesting Council approval to receive and expend a donation of \$500.00 from the Kaua'i Filipino Chamber of Commerce to be used for the Better Choices, Better Health workshops sponsored through the Agency on Elderly Affairs. **(Approved with thank-you letter to follow.)**

C 2011-307 Request (11/09/2011) from the Office of the County Attorney for authorization to expend additional funds up to \$10,000.00 to enable special counsel's continued representation in Kathleen M. Ah Quin vs. County of Kaua'i, Department of Transportation, et al., Civil No. CV08-00507 JMS BMK, U.S. District Court, and related matters. **(Deferred.)**

C 2011-308 Communication (11/10/2011) from HSAC President Mel Rapozo, transmitting for Council approval for inclusion in the 2012 Hawai'i State Association of Counties (HSAC) Legislative Package, proposals approved by its Executive Committee as follows:

- 1) Proposed Bill for an Act Relating to Traffic Infractions (Provides the Counties with a percentage of fines for uncontested traffic infractions; County of Maui Proposal); **(Approved.)**
- 2) Proposed Bill for an Act Relating to Housing (Increases the time for review of affordable housing projects submitted pursuant to Section 201H-38, Hawai'i Revised Statutes; County of Maui Proposal); **(Approved.)**
- 3) Proposed Bill for an Act Relating to Food Labeling (Requires the labeling of genetically engineered food products; County of Maui Proposal); **(Referred to the Intergovernmental Relations Committee.)**
- 4) Proposed Bill for an Act Relating to Agricultural Product Branding and Country or Region of Origin Labeling (County of Hawai'i Proposal); **(Approved.)**
- 5) Proposed Bill for an Act Relating to Gallonage Tax on Liquor (Amends Chapter 244D, Section 244D-4, Hawai'i Revised Statutes, relating to increasing the gallonage tax on liquor; County of Hawai'i Proposal); **(Referred to the Intergovernmental Relations Committee.)**
- 6) Proposed Bill for an Act Relating to the Employees' Retirement System (Provides the Counties with representation on the Board of Trustees of the Employees' Retirement System - City and County of Honolulu Proposal); **(Approved.)**
- 7) Proposed Bill for an Act Relating to the Employer-Union Health Benefits Trust Fund (H.B. NO. 175, H.D. 2 (2011); City and County of Honolulu Proposal); **(Approved.)**
- 8) Proposed Bill for an Act Relating to Adult Residential Care Homes (Requires publication of notice and holding a public hearing for applications for a Type II Residential Care Home; City and County of Honolulu Proposal); **(Failed.)**
- 9) Proposed Bill for an Act Relating to Collective Bargaining (Creates a new bargaining unit for Water Safety Officers employed by the State or Counties - City and County of Honolulu Proposal); **(Referred to the Intergovernmental Relations Committee.)**
- 10) Proposed Bill for an Act Relating to Liability (Provides the Counties with liability protection for natural conditions on or near public beach parks - City and County of Honolulu Proposal); **(Approved.)**

- 11) Proposed Resolution urging the United States Government to reimburse the City and County of Honolulu, Hawai'i County, Kaua'i County and Maui County, for all costs relating to the Asia Pacific Economic Cooperation Leaders meeting (City and County of Honolulu proposal); **(Failed.)**
- 12) Proposed Resolution urging the United States Department of State, the Department of Homeland Security, and the United States Attorney General to ease Visa restrictions for the People's Republic of China (City and County of Honolulu proposal); **(Referred to the Intergovernmental Relations Committee.)**
- 13) Proposed Resolution urging the legislature of the State of Hawai'i to provide funding for any activities mandated to any of the Counties by the State of Hawai'i (City and County of Honolulu proposal); **(Failed.)**
- 14) Proposed Resolution urging the Governor and the Legislature of the State of Hawai'i to preserve the Counties' share of the Transient Accommodations Tax (City and County of Honolulu proposal). **(Approved.)**

C 2011-309 Communication (11/10/2011) from HSAC President Mel Rapozo, transmitting for Council approval, Resolutions from the Hawai'i State Association of Counties (HSAC), approved by its Executive Committee, to be considered by the State House and Senate during the 2012 Legislative Session as follows:

- 1) Resolution requesting the State Legislature to adopt House Bill 1521 (HB 1521) relating to an amendment to Chapter 339D, Hawai'i Revised Statutes, regarding electronic waste recycling (County of Hawai'i proposal); **(Approved.)**
- 2) Resolution requesting that the Hawai'i State Department of Health amend Hawai'i Administrative Rules, Title 11, Chapter 62, §11-62-06, General Requirements, to establish up to a ten-year exemption period to connect to a public or private sewer system after installation of an individual wastewater system (County of Hawai'i proposal). **(Referred to the Intergovernmental Relations Committee.)**

LEGAL DOCUMENTS:

C 2011-310 Communication (11/02/2011) from the Police Chief, recommending Council approval of the following from the Hawai'i Army National Guard:

- Memorandum of Understanding to use facilities and property located in Building 1, Room 101, 1-3460 Kaunualii Highway, Hanalei, Hawai'i 96716 on the island of Kaua'i, temporarily as a "mini-station" for the Kaua'i Police Department officers, from December 1, 2011 until December 1, 2013. **(Approved.)**

- Use Permit L1512-002 granting access to and use of Room 101 in the Hawai'i Army National Guard Hanapēpē Armory located at 1-3460 Kaumuali'i Highway, on the island of Kaua'i, as a satellite workplace for Kaua'i Police Department officers, for a period of two years. **(Approved.)**

CLAIMS:

C 2011-311 Communication (10/26/2011) from the Interim County Clerk, transmitting a claim filed against the County of Kaua'i by Monica Ka'auwai for damage to her personal property, pursuant to Section 23.06, Charter of the County of Kaua'i: **(Referred to the County Attorney's Office for disposition and/or report back to the Council.)**

C 2011-312 Communication (10/28/2011) from the Interim County Clerk, transmitting a claim filed against the County of Kaua'i by Brenda V. Braun for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: **(Referred to the County Attorney's Office for disposition and/or report back to the Council.)**

COMMITTEE REPORTS: **APPROVED.**

BILL FOR SECOND READING:

Bill No. 2416, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*For the Tax Year 2012*) **(Approved as Amended to Bill No. 2416, Draft 2.)**

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

Copy: Council
via e-mail: KCT Department Heads
 KCT CCs
 Staff